



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 31, 1993

Ms. Sandra C. Joseph  
Open Records Counsel/Disclosure Officer  
Comptroller of Public Accounts  
LBJ State Office Building  
Austin, Texas 78774

OR93-115

Dear Ms. Joseph:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code.<sup>1</sup> Your request was assigned ID# 23256.

The Comptroller of Public Accounts (the "comptroller") has received a request for information concerning lottery winners. Specifically, you contend that a list of persons who have had lottery winnings withheld because of unpaid child support is excepted from required public disclosure under section 552.101 of the Government Code.<sup>2</sup>

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You state that the comptroller receives information regarding persons owing money to the state for back child support from the Office of the Attorney General. Section 76.006 of the Human Resources Code provides that:

(a) Except as provided in Subsection (c), all files and records of services provided under this chapter, including information concerning a custodial parent, noncustodial parent, child, and an alleged or presumed father, are confidential.

---

<sup>1</sup>We note that the Seventy-third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

<sup>2</sup>You state that the other information requested, a list of winners who have had winnings garnished for default on state guaranteed student loans or unpaid taxes, will be released to the requestor.

(b) Except as provided by Subsection (c), all communications made by a recipient of financial assistance under Chapter 31 of this code or an applicant for or recipient of services under Section 76.004 of this chapter are privileged.

(c) The attorney general may use or release information from the files and records, including information that results from a communication made by a recipient of financial assistance under Chapter 31 or by an applicant for or recipient of services under section 76.004, for purposes directly connected with the administration of the child support, paternity determination, parent locator, or aid to families with dependent children programs.

Acts 1993, 73d Leg., ch. 261, § 3. Section 76.004 authorizes the attorney general to "provide parent locator, child support, or paternity determination services."<sup>3</sup> Hum. Res. Code § 76.004(a). We agree that this provision makes the identity of persons owing child support confidential when obtained from the Office of the Attorney General. Accordingly, you must withhold the requested information under section 552.101 of the Government Code.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/LBC/rho

Ref.: ID# 23256

cc: Ms. Barbara Kessler  
Staff Writer  
The Dallas Morning News  
P.O. Box 655237  
Dallas, Texas 75265  
(w/o enclosures)

---

<sup>3</sup>Chapter 31 concerns financial assistance and service programs administered by the Department of Human Services.